

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**JACK STEPHEN PURSLEY,
AKA STEVE PURSLEY**

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NO. 4:18-CR-575 (HUGHES)

United States' Supplemental Notice of Intent under Fed. R. Evid. 803(6) and 902(11)

Today, the United States received a declaration from Eugene M. Chan regarding a July 25, 2005 memorandum that Chan prepared regarding the ownership of Southeastern Shipping. The declaration and the KPMG memorandum are attached to this notice.

As the defendant is aware, Pursley produced a copy of his client file for Shaun Mooney in the course of discovery in the *Pursley v. Mooney*, Cause No. 2017-28294 (281st Judicial District, Court of Harris County, Texas). Pursley endorsed his discovery production with the Bates number prefix "IRGP." The KPMG memorandum was maintained within Pursley's client file for Mooney, and Pursley produced the memorandum, bearing Bates numbers IRGP-0004600 through IRGP-0004609, as part of his discovery production in the civil case. Pursley authenticated the documents he produced with the IRGP Bates numbers during his March 30, 2018 deposition. *See* Dkt. 93-1 (Pursley Depo.), pp. 7 – 12.

At the parties' in-person conference on May 23, 2019, Pursley's attorney notified the government that Pursley is now recanting his authentication of the very documents he produced in the civil lawsuit. Pursley also objects to the admissibility of the KPMG memorandum, which has been marked for trial as Gov't. Ex. 1-162.

In light of the defendant's objections to the KPMG memorandum, the United States contacted the two authors of the memorandum. As set forth in the attached declaration, the KPMG memorandum was a document that Chan prepared in the ordinary course of KPMG's regularly conducted business, and Chan has certified that it is a true and accurate copy of the memorandum he wrote. The United States submits that Chan's declaration satisfies the requirements of Fed. R. Evid. 803(6) and 902(11), and the government intends to move the Court to pre-admit the KPMG memorandum into evidence before trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will serve a copy of this document on all counsel of record.



Sean Beaty
Trial Attorney, Tax Division